

Message Text

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ACTION ARA-20

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CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 RSC-01 PRS-01 SP-03 SS-20 SCA-01 VO-03 EB-11

COME-00 SIL-01 LAB-06 DRC-01 /128 W

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TO SECSTATE WASHDC IMMEDIATE 2288

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E.O. 11652: N/A

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SUBJ: CANADIAN-MEXICAN BRACERO AGREEMENT: ADDITIONAL
INFORMATION AND COMMENTS

REF: MEXICO 5181

1. CANADIAN FIRST SECRETARY HAS OFFERED ADDITIONAL INSIGHTS INTO
MEXICAN/CANADIAN BRACERO AGREEMENT, TEXT OF WHICH FORWARDED IN
REFTEL.

A) GOM ACCEPTANCE OF DEPORTATION FROM CANADA OF ILLEGAL
MEXICANS (I.E. THOSE NOT COVERED BY SUBJECT PROGRAM OR OTHERWISE
VISAED) IS AN ORAL AGREEMENT ONLY. GOC ASSUMES FULL RESPONSIBILITY
FOR CONTROL -- GOM IS UNDER NO OBLIGATION TO TRY TO STEM FLOW OF
MEXICANS WHO MIGHT TRY TO ENTER CANADA AS ILLEGALS.

B) UNDER CANADIAN LAW, THERE IS NO ADJUSTMENT OF STATUS.
SOURCE BELIEVES THAT GOC WILL BE ABSOLUTELY ADAMANT IN REFUSING
ANY SUCH ATTEMPTS, EVEN IF MEXICAN GOING UNDER NEW PROGRAM SHOULD
MARRY A CANADIAN NATIONAL.

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C) GIVEN PUBLICITY ON AGREEMENT (WHICH RUNS COUNTER TO GOM'S

EXPRESSED DESIRE) LOCAL CANADIAN EMBASSY HAS BEEN ENLIVENED DURING LAST FEW DAYS WITH A STEADY STREAM OF MEXICAN NATIONALS INQUIRING INTO PARTICIPATION IN THIS PROGRAM.

2. EXAMINATION OF LABOR CONTRACT BRINGS OUT FOLLOWING INTERESTING POINTS:

A) CONTRACT WILL BE VALID FOR MINIMUM OF SIX WEEKS AND MAXIMUM OF 8 MONTHS DURATION;

B) MEXICAN LABORER WILL WORK ON A TRIAL BASIS DURING THE FIRST 7 DAYS AFTER ARRIVAL IN CANADA. HE CAN BE DISMISSED AT END OF THAT TIME ONLY FOR CAUSE, INCLUDING REFUSAL TO PERFORM ASSIGNED TASKS.

C) IF LABORER IS DISMISSED DURING TRIAL PERIOD, AND IF HE WAS SELECTED BY GOM, LATTER IS RESPONSIBLE FOR PAYMENT OF RETURN FARE TO MEXICO (THEREAFTER BILLING WORKERS). ON OTHER HAND, IF EMPLOYER REQUESTED WORKER BY NAME, HE (EMPLOYER) IS LIABLE FOR RETURNING DISMISSED WORKER TO MEXICO.

D) EMPLOYER DEDUCTS 20 PERCENT OF SALARY WHICH IS TURNED OVER TO GOM AGENT AS FORM OF FORCED SAVINGS TO BE DEPOSITED IN MEXICAN FINANCIAL INSTITUTIONS. UPON RETURN TO MEXICO, WORKER IS ENTITLED TO WITHDRAW THIS AMOUNT; HOWEVER, SAVINGS MAY BE REDUCED TO PAY LEGITIMATE DEBTS OUTSTANDING EITHER TO CANADIAN EMPLOYER OR GOM AGENT (E.G. IN CASE GOM HAS DEFRAIDED RETURN TRANSPORTATION EXPENSES).

E) ALL TRANSPORTATION MUST BE BY AIR, PREFERABLY BY MEXICAN FLAG. THIS IMPLIED CANADIAN SUBSIDIZATION OF MEXICAN AIRLINE INDUSTRY IS OFFSET ONLY TO EXTENT THAT WORKER MUST CONTRIBUTE FROM \$15-66 DOLLARS TO AIRFARE, SUCH AMOUNT TO BE DEDUCTED FROM HIS CANADIAN WAGE ON A PRORATA BASIS.

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